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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
CWALT, INC., ALTERNATIVE LOAN  
TRUST 2005-82, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
82,

Case No.: 2:17-cv-00939-RFB-NJK

**CLIFFORD L. CASEY'S DEMAND FOR  
SECURITY OF COSTS PURSUANT TO  
NRS 18.130(1)**

Plaintiff,

VS.

NIKKI M. POMEROY; CLIFFORD L. CASEY, INDIVIDUALLY AND AS TRUSTEE FOR GENSTAR LTD TRUST; REPUBLIC SILVER STATE DISPOSAL, INC. DBA REPUBLIC SERVICES; ANYTIME PLUMBING; PARADISE SPA, LLC; DOE INDIVIDUALS I-X, inclusive; and ROE CORPORATIONS I-X, inclusive,

### Defendants.

**CLIFFORD L. CASEY'S DEMAND FOR SECURITY OF COSTS  
PURSUANT TO NRS 18.130(1)**

Defendant CLIFFORD L. CASEY (“CASEY”) hereby demands that Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-82,

1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-82 (“BNYM” or “Bank”), an  
2 out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

3 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the  
4 Bank, “security for the costs and charges which may be awarded against such plaintiff may be  
5 required by defendant, by the filing and service on plaintiff of a written demand therefor within  
6 the time limited for answering the complaint.” NRS 18.130(1). When a defendant demands a  
7 cost bond, “all proceedings in the action shall be stayed” until plaintiff files “an undertaking,  
8 executed by two or more persons, to be filed with the clerk, to the effect that they will pay such  
9 costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the  
10 action” or “in lieu of such undertaking, the plaintiff may deposit \$500, lawful money, with the  
11 clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is  
12 required, or of an order for new or additional security, upon proof thereof, and that no  
13 undertaking as required has been filed, the court or judge may order the action to be dismissed.”  
14 NRS 18.130(4).

15 “It is the policy of the United States District Court for the District of Nevada to enforce  
16 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL  
17 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*  
18 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)).

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Here BNYM is not a Nevada citizen, but rather a national banking association organized under the laws of the United States, with its principal office located in New York. Accordingly, CASEY demands that the Bank post a \$500 cost bond within thirty (30) days and that the proceedings be stayed until such cost bond is posted. Should the Bank fail to comply with the requirements of NRS 18.130 within thirty (30) days, CASEY requests this action be dismissed.

DATED this 6th day of July, 2017.

KIM GILBERT EBRON

By: /s/ Diana Cline Ebron  
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**GRANTED.** Plaintiff shall post the security of costs within seven days.

**IT IS SO ORDERED.**

Dated: July 7, 2017

**United States Magistrate Judge**